Single Bench

CC/104

(3)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. NO. 4228 /2004

PETITIONER :

P.R. No. 4226/17 dated 07/12/17 Presented by Shri Rahul Agrawal

Suresh Kumar Agrawal
S/o. Rameshwar Agrawal
Aged about 54 years,
Proprietor : Abhilasha Traders Gurunanak Chowk Raipur , Tahsil and District Raipur (C.G.).

VERSUS

RESPONDENT :

Anand Kumar,
aged about -- -- years
S/o. Atmaram, R/o. Banjari Chowk, Tahsil and District Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC—78

(44)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.-No.4228/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	15-12-2004 **Shri Abhay Tiwari, counsel for the petitioner.** **Heard on I.A.No.9159/2004 for grant of permission for correction in pleading of writ petition. Considered. I.A. allowed.** **Also heard on admission and M.(W.)P.No.4597/2004 for grant of interim relief.** **Petitioner's contention is that the facts of sale of property by respondent came to his knowledge, therefore, he filed an application for incorporating those facts in his pleading and also filed application for taking documents as additional evidence under various provisions of the Code of Civil Procedure. Before those applications could have been allowed or disallowed by the appellate Court, the petitioner filed another application for local investigation by appointing a Commissioner under Order 26 Rule 9 of the Code of Civil Procedure. The same has been dismissed by the appellate Court. In fact, the said application was pre-matured because till the pleadings are incorporated in written statement and documents relevant to that are taken on record, no investigation on those pleadings and documents could have been conducted or for that any Commission could have been issued. Therefore, petitioner, in the event of his applications pending under Order 6 Rule 17 and Order 41 Rule 27 of the Code of Civil Procedure are allowed, can file application afresh before the concerned Court.**	

(45)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No.4228/04

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	With the above observations, the petition, filed under Article 227 of the Constitution, is dismissed. **In the light of above order, M.(W.)P.No.4597/2004 for grant of interim relief and I.A.No.8568/2004 for urgent hearing stand disposed of.** **Certified copy as per rules.** **Sd/-** **V.K.Shrivastava** **Judge**	

G.Singh